REMARKS

Applicant has carefully reviewed the Office Action mailed November 2, 2005, and thanks Examiner Day for the detailed review of the pending claims. In response to the Office Action, Applicant has amended claims 1, 2, 7, and 10-16, cancelled claim 8, and added new claims 17-21. By way of this amendment, no new matter has been added. Accordingly, claims 1-7 and 9-21 remain pending in this application. At least for the reasons set forth below, Applicant respectfully traverses the foregoing rejections. Further, Applicant believes that there are also reasons other than those set forth below why the pending claims are patentable, and reserves the right to set forth those reasons, and to argue for the patentability of claims not explicitly addressed herein, in future papers. Applicant respectfully requests reconsideration of the present application in view of the above amendment, the new claims, and the following remarks.

Claim Rejections – 35 U.S.C. § 112

Claims 1-6 were rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential steps. Specifically, the Examiner notes that no step of 'determining' is included in independent claim 1, with claims 2-6 depending therefrom. Accordingly, Applicant has included a step of 'determining' in independent claim 1.

New Claims

New claims 17 and 21 positively recite "selecting a representative vehicle driveline from a plurality of saved driveline configurations." Support for claims 17 and 21 can be found, at least, in paragraphs [0032], [0033], [0034], [0045], and [0046] and FIGS. 20 and 21.

New claim 18 positively recites "the step of selecting includes comparing a picture of a selectable driveline configuration to the vehicle driveline." Support for claim 18 can be found, at least, in paragraph [0032] and FIGS. 20 and 21.

New claim 19 positively recites "the driveline inertia is a drive inertia." New claim 20 positively recites "the driveline inertia is a coast inertia." Support for new claims 19 and 20 can be found, at least, in paragraphs [0051] to [0055] and FIGS. 14, 16, 18, and 19.

Claim Rejections – 35 U.S.C. § 102

Claims 1-5, 7-10 and 12-15 were rejected under 35 U.S.C. § 102(b) as being anticipated by Eaton Corporation (Eaton), "DOS-Based Driveline Angle Analyzer (DAA) Screen Captures", 1995 (Applicant mailed July 14, 2005, in response to Requirement for Information – 37 C.F.R. § 1.105, dated May 16, 2005), hereinafter "SCREEN CAPTURES". Applicant respectfully traverses the rejections.

To anticipate a claim, the reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

"[T]he reference must describe the applicant's claimed invention sufficiently to have placed a person of ordinary skill in the field of the invention in possession of it." *In re Spada* 911 F. 2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1990).

Independent claim 1, as amended, positively recites "determining an inertia of the vehicle driveline." In contrast, SCREEN CAPTURES does not teach determining the inertia of any portion of the evaluated driveline. Thus, SCREEN CAPTURES does not teach every limitation of independent claim 1, as required in *Verdegaal Bros.*

Independent claim 7, as amended, positively recites "selecting a representative vehicle driveline from a plurality of saved driveline configurations." In contrast, SCREEN CAPTURES does not teach selecting a representative driveline. Thus, SCREEN CAPTURES does not teach every limitation of independent claim 7, as required in *In re Spada.*

Independent claim 12, as amended, positively recites "displaying a driveline inertia of the desired vehicle driveline configuration." In contrast, SCREEN CAPTURES does not teach displaying a driveline inertia. Thus, SCREEN CAPTURES does not teach every limitation of independent claim 12, as required in *Verdegaal Bros.*

Dependent claims 2-6, 9-11, and 13-21 teach independently patentable subject matter, although they are also patentable merely by being dependent on an allowable base claim. As an example, claim 3 recites "wherein the graphical user interface program includes a corrective mode." These teachings are not taught in the prior art of record.

Claim Rejections – 35 U.S.C. § 103

Claims 6, 11, and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Eaton Corporation (Eaton), "DOS-Based Driveline Angle Analyzer (DAA) Screen Captures", 1995, hereinafter "SCREEN CAPTURES". Applicant respectfully traverses the rejection.

When rejecting a claim based upon a sole 35 U.S.C. 103(a) reference, the Federal Circuit has provided some guidance. Specifically, *In re Gordon* provides that "[t]he mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification." 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984). In addition, the Federal Circuit has held that "[i]t is not pertinent whether the prior art device possesses the functional characteristics of the claimed invention if the reference does not describe or suggest its structure." *In re Mills*, 16 USPQ2d 1430, 1433 (1990).

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j).

The remarks presented above with respect to the §102 rejection are equally applicable here. Specifically, the inadequacy of SCREEN CAPTURES to teach every element of independent claims 1, 7 and 12 is also fatal to the Examiners §103 rejection of dependent claims 6, 11, and 16. As detailed above, SCREEN CAPTURES does not teach every limitation of dependent claims 1, 7 and 12, as required in *In re Royka*, and accordingly, dependent claims 6, 11, and 16 are patentable by being dependent on an allowable base claim.

Furthermore, dependent claims 6, 11, and 16 include the limitation that the results are saved "as an image file." SCREEN CAPTURES makes no mention of saving as an image file. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

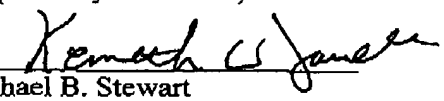
Conclusion

In view of the above, each of the presently pending claims in this application is in immediate condition for allowance. If, however, there are any outstanding issues that can be resolved by telephone conference, the Examiner is earnestly encouraged to telephone the undersigned representative. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes that no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 65856-0025 from which the undersigned is authorized to draw. To the extent necessary, a petition for extension of time under 37 C.F.R. §1.136 is hereby made, the fee for which should also be charged to this Deposit Account.

Dated: February 2, 2006

Respectfully submitted,

By 

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